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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,240	09/09/2003	Gerald H. Negley	5308-310	3504
7590	11/15/2005		EXAMINER	
Mitchell S. Bigel Myers Bigel Sibley & Sajovec, P.A. P.O. Box 37428 Raleigh, NC 27627			NGUYEN, DAO H	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/659,240	NEGLEY ET AL. <i>(initials)</i>
	Examiner	Art Unit
	Dao H. Nguyen	2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 02 November 2005.
- 2a)  This action is FINAL. 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1,6-11,16-22 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 1,6,9-11,16-18 and 27 is/are allowed.
- 6)  Claim(s) 7,8 and 19-22 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All b)  Some \* c)  None of:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This Office Action is in response to the communications dated 11/02/2005.

Claims 1, 6-11, 16-22 and 27 are active in this application.

Claim(s) 2-5, 12-15, and 23-26 have been cancelled.

### **Remarks**

2. applicant's arguments filed on 11/02/205 have been fully considered, but are moot in view of the new ground of rejections.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim(s) 7, 8, and 19-22 are rejected under 35 U. S. C. § 102 (b) as being anticipated by U.S. Patent No. U.S. Patent No. 5,477,430 to LaRose.

Regarding claim 7, LaRose discloses a method for forming a transmissive keypad key 12 through which a light emitting device emits light comprising:

filling a keypad key-shaped mold with a molten liquid that comprises a transparent plastic and a phosphor additive; and  
allowing the molten liquid to solidify to produce the transmissive keypad key.

See the abstract, and col. 1, lines 1-8; col. 3, lines 4-61; col. 4, line 8 to col. 5, line 55; and further col. 6, lines 9-50.

Regarding claim 8, LaRose discloses a method for forming a transmissive keypad key face, through which a light emitting device emits light, comprising:  
filling a keypad key face-shaped mold with a molten liquid that comprises a transparent plastic and a phosphor additive;  
allowing the molten liquid to solidify to produce the transmissive keypad key face;  
and  
forming a keypad key wall that is attached to the keypad key face.

See the abstract, and col. 1, lines 1-8; col. 3, lines 4-61; col. 4, line 8 to col. 5, line 55; and further col. 6, lines 9-50.

Regarding claim 19, LaRose discloses a transmissive optical element comprising a keypad key shell 12, including a keypad key face and a keypad key wall that extends from the keypad key face, the keypad key shell comprising a transparent plastic including a phosphor dispersed therein. See also the abstract, and col. 1, lines 1-8; col. 3, lines 4-61; col. 4, line 8 to col. 5, line 55.

Regarding claim 20, LaRose discloses a transmissive optical element wherein the phosphor is uniformly disperse keypad key shell. See the abstract.

Regarding claim 21, LaRose discloses a transmissive optical element wherein the phosphor is uniformly disposed in the keypad key face and is not included in the keypad key wall. See the abstract, and col. 1, lines 1-8; col. 3, lines 4-61; col. 4, line 8 to col. 5, line 55.

Regarding claim 22, col. 3, lines 4-61; LaRose discloses a transmissive optical element wherein the phosphor is nonunifnmqy dispersed in the keypad key face to provide an indicia in the keypad key face. See col. 2, lines 4-31; col. 3, lines 4-61; col. 4, line 8 to col. 5, line 55; and col. 7, lines 27-36.

### **Allowance**

5. Claim(s) 1, 6, 9-11, 16-18, and 27 would be allowed. The reason for allowance can be found in the previous communication.

### **Conclusion**

6. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao H. Nguyen whose telephone number is (571)272-1791. The examiner can normally be reached on Monday-Friday, 9:00 AM – 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax numbers for all communication(s) is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-1625.



David Nelms  
Supervisory Patent Examiner  
Technology Center 2800

Dao H. Nguyen  
Art Unit 2818  
November 10, 2005